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*CHINA FREE PRESS*

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

ZHANG ZIYI, an individual,  
Plaintiff,

vs.

CHINA FREE PRESS, a North  
Carolina non-profit corporation  
doing business as BOXUN NEWS;  
WEICAN NULL MENG, an  
individual known as WATSON  
MENG and also WEICAN  
"WATSON" MENG; and DOES 1-  
25, inclusive,  
Defendants.

Case No. CV 12-5216-DMG (PLA)

DECLARATION OF  
MICHAEL GOETTIG

Action Filed: June 14, 2012

DECLARATION OF MICHAEL GOETTIG

I, Michael Goettig, declare as follows:

1. I am an attorney associated with Vedder Price, a law firm, and a Board Member of China Free Press, Inc. ("CFP"), a non-profit organization devoted to promoting free speech and democracy in China. I am involved in the above-captioned matter only in the latter capacity, *i.e.*, as a party representative, and not as counsel for any party. I make this declaration in order to set forth certain facts regarding CFP, which I have personal knowledge of based on my experience as a Board Member, my participation in Board meetings and my review of CFP's annual statements. I am fully familiar with the facts and circumstances set forth herein. The facts stated below are true of my own personal knowledge, except where indicated that they are upon information and belief, and, if called to testify, I could and would competently testify thereto.

My Background

2. I lived and worked in China for seven years as a Peace Corps volunteer, entrepreneur and freelance journalist. During that time, I was a writer and editor for ChinaNow.com, one of China's first bilingual arts and culture websites, and I also contributed articles to the *South China Morning Post*, the *Far Eastern Economic Review* and the Asian edition of *Time*.

3. Since returning to the United States, I have remained interested and involved in Chinese affairs. While enrolled in law school at Columbia University, I was the Editor in Chief of the *Columbia Journal of Asian Law*. During law school, I worked with Human Rights Watch and the American Bar Association's Asia Law Initiative (both in Beijing), and worked as a Research Assistant in a course addressing China's rapidly changing legal system.

China Free Press ("CFP")

4. In 2006, I became a Board Member of CFP.

1           5.     CFP was incorporated under North Carolina law in 2004 and was  
2     classified by the Internal Revenue Service as a public charity exempt from federal  
3     taxes under section 501(c)(3) of the Internal Revenue Code. True and correct copies  
4     of its Certificate of Incorporation and documentation from the I.R.S. of its 501(c)(3)  
5     status are annexed to this affidavit as Exhibits A and B, respectively.

6           6.     The Chinese government has blocked most outside news websites so  
7     they are inaccessible within China; closed Chinese websites that provide forbidden  
8     political content and/or information reflecting popular dissatisfaction with official  
9     conduct; and jailed many Chinese journalists. Both Reporters Without Borders and  
10    the Committee to Protect Journalists have ranked China as the world's single  
11    greatest actor in jailing journalists.

12          7.     The mission of CFP is to promote free speech and democracy in China.  
13    To accomplish this goal, CFP supports writers and reporters in China by providing  
14    free web hosting to websites on which Chinese dissidents report and comment on  
15    affairs from China. CFP believes that freedoms of speech and the press contribute  
16    directly to ongoing reform efforts in mainland China.

17          8.     By working with reporters, human right activists and website  
18    administrators, CFP plays a leading role in breaking the media monopoly in China  
19    by leveraging the power of the Internet. Since its inception, CFP has provided free  
20    web hosting to over a dozen well-known websites for Chinese dissidents, including  
21    newcenturynews.com, chinesepen.org, msguancha.com, weiquanwang.org,  
22    boxun.com ("Boxun") and others. Each month, hundreds of thousands of readers  
23    access the 12 news websites hosted by CFP.

24          9.     Websites hosted by CFP have broken news stories about some of the  
25    most prominent newsworthy incidents in China, including the SARS scandal, the  
26    avian flu outbreak, and the complicity of Yahoo in China's arrest of Internet  
27    dissidents. One of these websites, Boxun, has been a major source of uncensored  
28    news in China since 2000, regularly covering instances of human rights violations.



10. CFP plays no editorial role with respect to any of the websites it hosts, including Boxun; it has no involvement in creating, selecting, screening, reviewing or editing content. CFP instead performs a "host" function, by providing the servers on which the websites reside. Neither CFP nor any of its Board Members (with the exception of Watson Meng, in his individual capacity) had a role in creating, selecting, reviewing, editing or publishing the articles at issue in this lawsuit.

11. CFP has two of its own websites, Chinafreepress.org and Canyu.org, although only Canyu.org is updated regularly. CFP does not publish Boxun or any websites other than these two sites.

12. CFP has been fully funded by the National Endowment for Democracy since 2005. The annual grant amount is currently \$220,000.

13. The Board of Directors of CFP currently has five members: Xiao Qiang, the founder and Editor-in-Chief of China Digital Times, an Adjunct Professor at UC Berkeley's Graduate School of Journalism, human rights activist and MacArthur fellow (2001); Nathan Freitas, a mobile software developer, entrepreneur and activist who leads the Guardian Project, an effort to build secure, open-source mobile solutions for activities, journalists and human rights organization; Bei Feng (Wen Yunchao), a Chinese television journalist and newspaper editor who has become a well-known blogger and advocate for efforts to break online censorship; Watson Meng, a former engineer and executive who founded the Boxun website and is a prominent advocate for free speech and a free press in China; and myself.

14. Although Mr. Meng is a Board Member, his involvement as a reporter for Boxun is in his individual capacity and completely outside the scope of his duties as a CFP director.

15. CFP has no involvement in the operations or management of Boxun or Yeeka, LLC. Neither I nor any of the other Board Members or employees of CFP (other than Watson Meng, in his individual capacity) have any involvement in the

1 operations or management of Boxun or Yeeka. CFP simply hosts that site, as it does  
2 a number of others.

3 16. CFP has a staff of four independent contractors. None of CFP's  
4 independent contractors do any work for Yeeka or Boxun. Likewise, none of  
5 Yeeka's independent contractors do any work for CFP.

6 17. CFP maintains its own bank account (a requirement of its grantor) and  
7 its own books and records. None of CFP's funds are commingled with those of  
8 Yeeka. Neither CFP nor Yeeka has ever paid the expenses or debts of the other  
9 entity. Salaries and expenses for CFP are paid from CFP's account.

10 18. CFP and Yeeka do not share the same attorneys or accountants.

11 19. Although CFP and Yeeka do share a post office box, CFP operates out  
12 of its own rented office space in Durham, North Carolina.

13 I declare under penalty of perjury under the laws of the United States of  
14 America that the foregoing is true and correct.

15 Executed this 7th day of September, 2012 at New York, New York.

16  
17 By:   
18 Michael Goettig

# EXHIBIT A



# **NORTH CAROLINA**

## **Department of The Secretary of State**

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**To all whom these presents shall come, Greetings:**

**I, ELAINE F. MARSHALL**, Secretary of State of the State of North Carolina, do hereby certify the following and hereto attached to be a true copy of

### **ARTICLES OF INCORPORATION**

**OF**

**CHINA FREE PRESS, INC.**

the original of which was filed in this office on the 19th day of March, 2004.



IN WITNESS WHEREOF, I have hereunto  
set my hand and affixed my official seal at the  
City of Raleigh, this 19th day of March, 2004

*Elaine F. Marshall*

**Secretary of State**

# EXHIBIT B



INTERNAL REVENUE SERVICE  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date:

SEP 24 2008

CHINA FREE PRESS  
4711 HOPE VALLEY RD STE 122  
DURHAM, NC 27707

Employer Identification Number:

41-2132688

DLN:

17053250702088

Contact Person:

SHAWNDEA KREBS

ID# 31072

Contact Telephone Number:

(877) 829-5500

Public Charity Status:

170(b)(1)(A)(vi)

Dear Applicant:

Our letter dated April 2005, stated you would be exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code, and you would be treated as a public charity, rather than as a private foundation, during an advance ruling period.

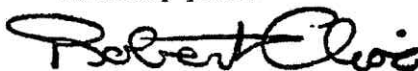
Based on the information you submitted, you are classified as a public charity under the Code section listed in the heading of this letter. Since your exempt status was not under consideration, you continue to be classified as an organization exempt from Federal income tax under section 501(c)(3) of the Code.

Publication 557, Tax-Exempt Status for Your Organization, provides detailed information about your rights and responsibilities as an exempt organization. You may request a copy by calling the toll-free number for forms, (800) 829-3676. Information is also available on our Internet Web Site at [www.irs.gov](http://www.irs.gov).

If you have general questions about exempt organizations, please call our toll-free number shown in the heading.

Please keep this letter in your permanent records.

Sincerely yours,



Robert Choi  
Director, Exempt Organizations  
Rulings and Agreements

Letter 1050 (DO/CG)

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